



LAFAYETTE PARISH CLERK OF COURT

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C-20233108

TERRY DEMETTE VS STERLING JEWELERS INC

Suit Details

Date Filed: 6/12/2023	Cause of Action: DAMAGES	Suit Kind: Civil
Division: G	Judge: LAURIE HULIN	

Parties




Type	Name	Billing Method
Plaintiff	DEMETTE, TERRY	Paying
Defendant	STERLING JEWELERS INC	Paying

Attorneys

Attorney Name	Party Name
MAGEE, PATRICK D	DEMETTE, TERRY

Totals Financials Service Court Dates

	Date	Code	Description	Cost Entity	Check Number(s)	Amount
	6/12/2023	616	COVER LETTER	MAGEE, PATRICK D		0.00
	6/12/2023	471	INITIALIZATION FEE/LVL/SUP CT	MAGEE, PATRICK D	614505	22.00
	6/12/2023	187	LAW LIBRARY	MAGEE, PATRICK D	615174	7.00
	6/12/2023	188	JUDICIAL EXP ACCT	MAGEE, PATRICK D	615182	15.00
	6/12/2023	189	JUDGES COMP FUND	MAGEE, PATRICK D	615183	27.50
	6/12/2023	502	ACADIANA LEGAL SERVICE CORPORA	MAGEE, PATRICK D	615196	4.75
	6/12/2023	501	LAFAYETTE PARISH BAR FOUNDATIO	MAGEE, PATRICK D	615195	4.75
	6/12/2023	550	LA JUD COLLEGE	MAGEE, PATRICK D	615197	0.50
	6/12/2023	628	PET - DAMAGE	MAGEE, PATRICK D	614505	18.00
	6/12/2023	44	AFFIDAVIT	MAGEE, PATRICK D	614505	6.00
	6/12/2023	39	REQUEST FOR NOTICE	MAGEE, PATRICK D	614505	6.00
	6/12/2023	472	INDEXING OF NAMES	MAGEE, PATRICK D	614505	4.00
	6/12/2023	1	ADVANCE DEPOSIT	MAGEE, PATRICK D	5027	400.00
	6/12/2023	527	GENERAL LETTER OF REQ	MAGEE, PATRICK D	614546	2.00
	6/12/2023	562	POSTAGE	MAGEE, PATRICK D	614546	0.47

	6/12/2023	46	CERTIFIED COPY	MAGEE, PATRICK D	614546	15.00
	6/12/2023	29	CITATION	MAGEE, PATRICK D	614546	15.00
	6/22/2023	620	LETTER - SERVICE REQUEST	MAGEE, PATRICK D	614902	6.00
	6/22/2023	29	CITATION	MAGEE, PATRICK D	614902	36.00
	6/23/2023	212	SHF FEE EBR	MAGEE, PATRICK D	614922	40.44
	7/20/2023	212	SHF FEE EBR	MAGEE, PATRICK D		0.00
	7/20/2023	478	SERVICE RETURN OF SHERIFF	MAGEE, PATRICK D	615882	6.00
	7/20/2023	210	NOTICE OF SERVICE	MAGEE, PATRICK D	615927	5.00
	7/20/2023	800	Citation - 21 Days (6/23/2023 9:20:48 AM)			0.00

Lafayette Parish
Filed Jun 12, 2023 2:57 PM
Morgan Broussard
Deputy Clerk of Court

C-20233108
G



June 12, 2023

Transmitted Via Hand Delivery

Attn: Civil Department

Lafayette Parish Clerk of Court
800 S. Buchanan Street
Lafayette, LA 70501

RE: Terry Demette vs. Sterling Jewelers, Inc.
Docket Number:

Dear Clerk:

Enclosed herewith please find the original and two copies of the Petition for Damages and Request for Notice to be filed into the record on the above referenced matter. Kindly file the original into the record, return a file-stamped copy to my office and prepare the final copy with Citation for service via *the Louisiana Long Arm Statute*, as follows:

Sterling Jewelers, Inc.
375 Ghent Road
Akron, OH 44333

Our firm's check number 5027 in the amount of \$400.00 made payable to the Lafayette Parish Clerk of Court is attached to cover the cost of filing the petition.

Should you have any questions, please feel free to contact our office.

Sincerely,

Pat Magee Law Firm

A handwritten signature in black ink, appearing to read 'Pat Magee'.

Pat Magee,
Attorney for Terry Demette

STAMPED COPY GIVEN

(337) 476-2433 (p)
(337) 376-2000 (f)

600 Jefferson St. Ste. 1203
P.O. Box 4526 (70502)
Lafayette, LA. 70501

pdm@mageefirm.com
www.mageefirm.com

Lafayette Parish
Filed Jun 12, 2023 2:57 PM
Morgan Broussard
Deputy Clerk of Court

C-20233108
G

TERRY DEMETTE
Plaintiff

VERSUS

STERLING JEWELERS INC.
Defendant

:

:

:

:

:

:

DOCKET NO. C-20233108 G

15TH JUDICIAL DISTRICT COURT

PARISH OF LAFAYETTE, STATE OF LOUISIANA

PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes Terry Demette, Plaintiff herein, who respectfully states and avers the following:

PARTIES

1.

Plaintiff, Terry Demette, (hereinafter “Ms. Demette” or “Plaintiff”), is of the full age of majority, presently domiciled in Lafayette Parish, State of Louisiana.

2.

Made Defendant herein is the Sterling Jewelers, Inc. (hereinafter “Company” or “Defendant”), a specialty jewelry company headquartered in Akron, Ohio. The Company operates fine jewelry stores throughout the United States selling a variety of jewelry products and provide related services, including financing and jewelry repair including a location in Lafayette Parish, Louisiana, who’s physical address is 3601 Ambassador Caffery PKWY, Lafayette, LA 70503-5132.

FACTUAL BACKGROUND

3.

On or about April 29, 2014, Ms. Demette, began her employment with Defendant as sales associate, was promoted to Floor Manager, then Assistant Manager/Team Leader at Jared Galleria of Jewelry, Ambassador Row Courtyards (“Jared”), located at 3601 Ambassador Caffery Parkway in Lafayette, Louisiana. Ms. Demette was promoted to the position of General Manager on December 3, 2017. Ms. Demette generally performed her job duties admirably, without complaint, and carried out her supervisory responsibilities in compliance with Defendant’s policies and procedures, and/or practice.

4.

During Ms. Demette’s employment, Defendant employed Mr. Charles Vicknair (“Vicknair”) as a District Manager, and Ms. Demette’s direct supervisor.

5.

During Ms. Demette's term of employment, Mr. Vicnair exhibited the following behavior. These incidents are not all inclusive.

1. In 2014, asked if Ms. Demette wanted to go for a drink with him and while walking to a vehicle he forcibly grabbed and kissed her.
2. In 2018, asked if Ms. Demette to come to the hotel where he allegedly pulled his pants down and asked for a hand job.
3. In April 2021 while issuing Ms. Demette the written counseling leaned over and whispered, "I could just kiss you".

6.

In 2021, Ms. Demette disclosed to Ryan Creager, Assistant General Manager, about Mr. Vicknair unwanted behavior towards her. On or about May 21, 2021, Mr. Creager informed Shanon Sallis, Vice President Regional Operation and Mr. Vicknair's direct supervisor disclosed Mr. Vicknair's behavior towards Ms. Demette.

7.

Sterling's internal investigation team opened an investigation on or about May 25, 2021, to investigate Ms. Demette's allegations, wherein it concluded that Ms. Demette's allegations as presented and information obtained was unsubstantiated due to lack of witnesses, and team members reporting integrity concerns about Ms. Demette and her credibility.

8.

Shortly thereafter, Ms. Demette was accused of violating the following company policies and procedures such as:

A. On or about March 17, 2021 – April 9, 2021, Ms. Demette was accused of failing to demonstrate the required leadership capabilities established by the organization.

B. On April 22, 2021, Ms. Demette was counseled by Mr. Vicknair for allegedly engaging in favoritism toward certain team members and her history of performance and leadership issues as General Manager.

C. On August 2, 2021, Mr. Vicnair counseled Ms. Demette for failing to meet the required productivity objections and goals established by the organization.

D. On or about November 2021, Ms. Demette was accused of allegedly violating the meal and rest break and timekeeping policies by allegedly committing timecard fraud.

9.

Because of the above-listed policy infractions, on December 14, 2021, Defendant terminated Ms. Demette.

10.

Thereafter, Ms. Demette lodged a formal complaint with the Equal Opportunity and Employment Commission ("EEOC") and was issued a Notice of Right to Sue.

11.

At all times relevant herein, Defendant was and remains liable for the conduct of its managers, employees and/or agents, under the doctrine of Respondeat Superior, as all of the conduct alleged herein occurred in the course and scope of such managers', employees' and/or agents' respective work duties.

12.

Plaintiff was fully qualified for her job, as demonstrated by the factual allegations set forth herein.

13.

Plaintiff suffered an adverse employment action for opposing workplace discrimination.

14.

As a result of the unlawful actions described above, Defendant is liable unto Ms. Demette for damages, including back pay and front pay; lost benefits; mental anguish; humiliation and embarrassment; loss of reputation; loss of enjoyment of life; foreseeable and unforeseeable damages, compensatory damages; prejudgment interest; attorney's fees and all costs of these proceedings.

15.

Plaintiff is entitled to nonpecuniary damages because Defendant intended, through its agents' egregious conduct toward Plaintiff, to offend and aggrieve Plaintiff's feelings.

WHEREFORE, Plaintiff, Terry Demette, prays that Defendant be duly cited and required to appear and answer this Petition for Damages and, after all legal delays and due proceedings had, there be judgment rendered herein in favor of Plaintiff and against Defendant as detailed in the

foregoing Petition for Damages, in an amount reasonable in the premises, together with legal interest from the date of judicial demand, all costs of these proceedings, attorneys' fees and for any and all general and equitable relief deemed appropriate by this Honorable Court under the circumstances.

Respectfully submitted,

PAT MAGEE LAW FIRM, L.L.C.



Patrick D. Magee (BR#29721)
600 Jefferson Street Ste. 1203
P.O. Box 4526
Lafayette, Louisiana 70502
Telephone: (337) 476-2433
Facsimile: (337) 376-2000
Attorney for Plaintiff, Terry Demette

Please Service Via Long Arm Statue:

Sterling Jewelers, Inc.
375 Ghent Road
Akron, OH 44333

Lafayette Parish
Filed Jun 12, 2023 2:57 PM
Morgan Broussard
Deputy Clerk of Court

C-20233108
G

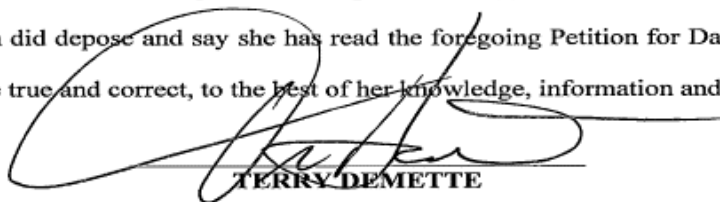
TERRY DEMETTE	:	DOCKET NO. <u>C-20233108 G</u>
<i>Plaintiff</i>	:	
VERSUS	:	
	:	15TH JUDICIAL DISTRICT COURT
STERLING JEWELERS INC.	:	
<i>Defendant</i>	:	PARISH OF LAFAYETTE, STATE OF
	:	LOUISIANA

VERIFICATION

STATE OF LOUISIANA

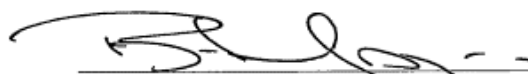
PARISH OF LAFAYETTE

BEFORE ME, the undersigned Notary, personally appeared **TERRY DEMETTE**, who being duly sworn did depose and say she has read the foregoing Petition for Damages and all of its allegations are true and correct, to the best of her knowledge, information and belief.



TERRY DEMETTE

SWORN TO AND SUBSCRIBED before me, this 12 day of June 2023.



Patrick D. Magee, BR# 29731
Notary ID# 81137
My Commission Expires at Death

Lafayette Parish
Filed Jun 12, 2023 2:57 PM
Morgan Broussard
Deputy Clerk of Court

C-20233108
G

TERRY DEMETTE	:	DOCKET NO. <u>C-20233108 G</u>
<i>Plaintiff</i>	:	
VERSUS	:	
	:	15TH JUDICIAL DISTRICT COURT
STERLING JEWELERS INC.	:	
<i>Defendant</i>	:	PARISH OF LAFAYETTE, STATE OF
	:	LOUISIANA

REQUEST FOR NOTICE

TO: Lafayette Parish Clerk of Court
15th Judicial District Court
800 S. Buchanan St.
Lafayette, Louisiana 70501

Formal request is hereby made for written notice within ten (10) days in advance of any date fixed for the rendition of all interlocutory orders or judgments, as well as notice of hearings and/or trials (whether on the merits or otherwise), in the above numbered and entitled cause, as provided in the Louisiana Code of Civil Procedure, particularly Articles 1571, 1572, 1913, 1914.

Respectfully Submitted

PAT MAGEE LAW FIRM, LLC

By: 

PATRICK D. MAGEE (BR#29721)

412 Travis Street Ste. 109

P.O. BOX 51676

Lafayette, LA 70505

(337) 476-2433 – Telephone

(337) 376-2000 - Fax

pdm@mageefirm.com

Attorney for Terry Demette

Lafayette Parish
Filed Jun 22, 2023 4:12 PM
Kireston Batiste
Deputy Clerk of Court

C-20233108
G



June 22, 2023

Transmitted Via Hand Delivery

Attn: Civil Department

St. Landry Parish Clerk of Court
118 S. Court St.
Opelousas, LA 70570

RE: Terry Demette vs. Sterling Jewelers, Inc.
Docket Number: C-20233108 "G"

Dear Clerk,

I previously filed a Petition for Damages on the above-captioned matter. I am requesting you reissue the service of the Petition for Damages to Sterling Jewelers, Inc. through its registered agent CT Corporation System located at 3867 Plaza Tower Drive, Baton Rouge, LA 70816.

Should you have any questions or concerns, please do not hesitate to contact our office.

Thank you for your prompt and professional attention on this matter.

Sincerely,

Pat Magee Law Firm, LLC

A handwritten signature in black ink, appearing to read "Pat Magee".

Pat Magee,
Attorney for Terry Demette

PDM/atw

(337) 476-2433 (p)
(337) 376-2000 (f)

600 Jefferson St. Ste. 1203
P.O. Box 4526 (70502)
Lafayette, LA. 70501

pdm@mageefirm.com
www.mageefirm.com

STAMPED COPY GIVEN



Requested by Atty.: MAGEE, PATRICK D

CITATION

TERRY DEMETTE
VS
STERLING JEWELERS INC

15TH JUDICIAL DISTRICT COURT
DOCKET NUMBER: C-20233108 G
I made service on the named party through the
PARISH OF LAFAYETTE, LOUISIANA

STATE OF LOUISIANA

JUL 11 2023

by tendering a copy of this document to
Ashley Minvielle

TO: STERLING JEWELERS, INC.
THROUGH ITS REGISTERED AGENT
CT CORPORATION SYSTEM
LOCATED AT
3867 PLAZA TOWER DRIVE
BATON ROUGE, LA 70816

DY. M. LOCKWOOD #0803
Deputy Sheriff, Parish of East Baton Rouge, Louisiana

SHERIFF RETURN

of the Parish of E. BATON ROUGE

You are hereby cited to comply with the demand contained in the petition, a certified copy of which accompanies this citation, (exclusive of exhibits). You should file an answer or other pleading to said petition in the office of the Clerk of the 15th Judicial District Court in the Lafayette Parish Courthouse, Lafayette, Louisiana, within twenty-one (21) days after the service hereof, except as provided for by law. Alternatively, your failure to comply herewith will subject you to the penalty of entry of default judgment against you.

WITNESS THE HONORABLE JUDGES OF SAID COURT, this JUNE 23, 2023.

Monet McCarthy

Deputy Clerk of Court
Lafayette Parish

THE CLERK OF COURT'S STAFF CANNOT PROVIDE LEGAL ADVICE.

*Attached are the following documents:
PETITION FOR DAMAGES, VERIFICATION, REQUEST FOR NOTICE

SHERIFF'S RETURN
LAFAYETTE PARISH SHERIFF

Lafayette Parish Clerk of Court
Filed This Day

DATE SERVED: _____, 20____ TIME: _____ JUL 20 2023

SERVED: _____

PERSONAL () _____

DOMICILIARY () ON _____

UNABLE TO LOCATE

MOVED () _____

NO SUCH ADDRESS () _____

OTHER REASON: _____

RECEIVED TOO LATE FOR SERVICE () _____

SERVICE OF WITHIN PAPERS

COSTS FEE \$ _____ MILEAGE \$ _____ TOTAL \$ _____

DEPUTY _____

Martina O'Rear
Deputy Clerk of Court



Requested by Atty.: MAGEE, PATRICK D

CITATION

TERRY DEMETTE
VS
STERLING JEWELERS INC

15TH JUDICIAL DISTRICT COURT
DOCKET NUMBER: C-20233108 G
I made service on the named party through the
PARISH OF LAFAYETTE, LOUISIANA

STATE OF LOUISIANA

JUL 11 2023

TO: STERLING JEWELERS, INC.
THROUGH ITS REGISTERED AGENT
CT CORPORATION SYSTEM
LOCATED AT
3867 PLAZA TOWER DRIVE
BATON ROUGE, LA 70816

by tendering a copy of this document to
Ashley Minvielle

DY. M. LOCKWOOD #0803
Deputy Sheriff, Parish of East Baton Rouge, Louisiana

SHERIFF RETURN

of the Parish of E. BATON ROUGE

You are hereby cited to comply with the demand contained in the petition, a certified copy of which accompanies this citation, (exclusive of exhibits). You should file an answer or other pleading to said petition in the office of the Clerk of the 15th Judicial District Court in the Lafayette Parish Courthouse, Lafayette, Louisiana, within twenty-one (21) days after the service hereof, except as provided for by law. Alternatively, your failure to comply herewith will subject you to the penalty of entry of default judgment against you.

WITNESS THE HONORABLE JUDGES OF SAID COURT, this JUNE 23, 2023.

Monet McCarthy

Deputy Clerk of Court
Lafayette Parish

THE CLERK OF COURT'S STAFF CANNOT PROVIDE LEGAL ADVICE.

*Attached are the following documents:
PETITION FOR DAMAGES, VERIFICATION, REQUEST FOR NOTICE

SHERIFF'S RETURN
LAFAYETTE PARISH SHERIFF

Lafayette Parish Clerk of Court
Filed This Day

DATE SERVED: _____, 20 _____ TIME: _____ JUL 20 2023

SERVED: _____

PERSONAL () _____

DOMICILIARY () ON _____

UNABLE TO LOCATE

MOVED () _____

NO SUCH ADDRESS () _____

OTHER REASON: _____

RECEIVED TOO LATE FOR SERVICE () _____

SERVICE OF WITHIN PAPERS

COSTS FEE \$ _____ MILEAGE \$ _____ TOTAL \$ _____

DEPUTY _____

Martina O'Rear
Deputy Clerk of Court